

## **SELECTMEN'S MEETING MINUTES**

### **November 13, 2012**

Members Present: James DeVellis, Chairman  
Mark Sullivan, Vice Chairman  
Lorraine Brue, Clerk  
Lynda Walsh  
Ginny Coppola

Others Present: Town Manager Kevin Paicos  
Eagle Scout Tim Smith  
Finance Director Randy Scollins  
Chief Assessor Hannelore Simonds  
Board of Assessors Thomas Buckley, Robert Hadge and Michael Laracy

The meeting was brought to order at 7:00 p.m. by James DeVellis, Chairman. Chairman DeVellis reviewed the agenda.

#### **Eagle Scout Recognition**

The Board presented a Citation to Tim Smith who recently finished his project earning him his Eagle Scout Badge which is the highest rank attainable in the Boy Scouts. His project involved work at the Rock Hill Cemetery, he coordinated the placing of flags and medallions on all veterans graves as well as recording the information on their locations.

#### **Citizen's Input**

None

#### **Chairman's Update**

There was a Veteran's Day Commencement Ceremony on Saturday on the Common led by Jack Authelet. Refreshments were be provided by the Doolittle Home.

The Kraft Organization and the Rolling Thunder dedicated a permanent seat at Gillette Stadium in honor of the POW/MIA soldiers. They are the first professional sports team to do this.

A special Thank You to Town Clerk Bob Cutler and the Town Hall staff for their work at the recent election, everything went smoothly.

In regards to the recent hurricane, the Board of Selectmen had to have less involvement due to others stepping up.

Ms. Walsh commented that there will be a collection on the Common on Saturday for donations to the New York and New Jersey areas hard hit by Hurricane Sandy. There

is a Facebook page listing what items they are looking for. Cash and gift cards will also be accepted.

Town Meeting will be on December 11, 2012. There was a discussion about moving it to a Saturday, but this is a Town Charter issue. The Board would like to have Moderator Frank Spillane come to a meeting to discuss this request after the Holidays.

A notice has been received that the Foxboro Midget Football Cheerleaders have qualified for the Cheerleading Championships in Florida. They are accepting donations to help fund this trip.

### **Tax Classification Hearing**

Ms. Brue read the Public Hearing notice.

The Board met with Finance Director Randy Scollins, Chief Assessor Hannelore Simonds as well as the Board of Assessors Thomas Buckley, Robert Hadge and Michael Laracy.

This hearing is to discuss whether or not there should be a split tax rate (one rate for residential and a different rate for business) for the next fiscal year.

Mr. Scollins reviewed with the Board the Executive Summary that was prepared by him and the Assessors. He noted that the tax levy will be increasing by \$1.85 million or 5.07%. This includes a 2.3% Proposition 2 ½ increase and 1.34% in increased Excluded Debt. He also reviewed the FY '13 Property Values.

If the town has no split tax rate, the average residential taxes will increase 7% and the average business taxes will decrease by 1.1%. A split tax rate shifts the burden from residential to commercial.

Board of Assessors Chairman Thomas Buckley stated that their board met last week and voted to keep a split tax rate that is less than last year's split. Last year's split was 2.08% and this year they are recommending a 1.42% split.

During the last re-evaluation in 2010 the commercial values dropped; this meant that residential values had to make up the difference which was the reasoning behind the split last year.

Mr. Sullivan commented that the average drop in value in Foxboro was 30%.

Mr. Hadge of the Board of Assessors noted that he is a Certified Appraiser and stated that the market decides what the real estate values are but they have to go back two years for their comparables in determining the values.

The Board of Assessors also noted that all property information in town will be online by the end of the year.

The Board has the option of not splitting the rate, repeating the 2.08% or doing something in between.

Ms. Coppola noted that commercial properties took a big hit last year due to the increase in taxes and fees and the bad economy. She is not in favor of a split rate as it is not business friendly.

Mr. Sullivan stated that most commercial owners don't live in town and have no say on any debt exclusions voted for in town.

Ms. Brue stated that recently the commercial values have been coming up and the rate should be adjusted to show that the town is not taking advantage of businesses. To not have a split would put too much of a burden to residential rates.

Ms. Walsh did not agree with the split rate last year as it had a huge effect on businesses.

Resident George Leonard wanted to know how the rate is being balanced on assessed values.

A motion to close the Public Hearing was made by Mr. Sullivan and seconded by Ms. Brue. **The motion carried 5-0-0.**

The Board of Assessors noted that next year is a re-evaluation year and state regulations require inspections on 50% of the properties in town.

The Board discussed setting the rate, it was decided to have a split rate at 1.04% which is half of the rate from last year.

A motion to approve a .989584 residential factor with a tax burden shift of 1.04% was made by Ms. Brue and seconded by Mr. Sullivan. **The motion carried 4-1-0 with Ms. Coppola opposed.**

### **National Grid Discussion**

The Board discussed the National Grid response after the recent hurricane. Foxboro did all that could be done in regards to emergency preparedness. National Grid still has issues with the Union Loop and town residents were again without power. National Grid was invited to this meeting but feels that more can be accomplished in smaller meetings. The Board discussed sending a letter to the DPU (Department of Public Utilities).

Mr. Paicos stated that the Union Loop is now on the Governor's radar as one of two bad areas in the state. Five of the twelve sections went down in the storm. The fines that were levied against National Grid last year went to the state and not to fixing the

problem with the Union Loop. The school system was shut down for two days due to no power.

Mr. Paicos will have Town Counsel draft a letter to the DPU.

### **Request for Town User Fee Waiver for 2012 MIAA Football Superbowls at Gillette Stadium**

Bill Gaine the Deputy Director of the MIAA and Richard Pearson the Director of the MIAA came before the Board to ask for a waiver of the town user fee for the sixth consecutive year. Mr. Gaine explained that the MIAA is a non-profit educational association that conducts high school tournaments in thirty-four different sports which is approximately 250 tournaments per year.

The only tournaments that generate revenue for the association are the football, ice hockey and basketball tournaments. These tournaments help subsidize other smaller tournaments and student service programs.

This is the last year of the current contract with Gillette Stadium.

Next year there will be a different playoff structure for football and there will only be six superbowls.

Ms. Walsh noted that the superbowls do bring in people from out of town that support town businesses that day. The Kraft's also donate the use of the stadium for the day.

Ms. Coppola is not in favor of the waiver as the stadium does not pay real estate taxes, they pay \$2.47 per ticket instead. If the fee is waived, the town loses the ticket fee. The Kraft's still make money on concessions as tailgating is not allowed and they can write off the donation of the facility. Foxboro has to pay to belong to the MIAA already.

Mr. Gaine stated that the schools and students of Foxboro benefit by being able to participate in almost all of the tournaments sponsored by the MIAA at no cost. There is no entry fee charged to students for either the tournaments or the student services such as workshops and leadership programs.

Ms. Brue noted that she has been against this waiver for the past two years and feels that this is not a year the town can afford to not get the ticket fees. This affects the taxpayers of the town by foregoing the revenue.

The waiver is for the stadium, not the MIAA; Gillette pays the fee not the MIAA.

Mr. DeVellis inquired if there is a cost to the town. The Krafts' don't profit much from the day.

Mr. Paicos informed the Board that the Finance Officer and himself are both opposed to this request. If the stadium paid taxes, this would be an unlawful request but they make

a Payment in Lieu of Taxes (PILOT). The total volume paid to the town is a fraction of the taxes that would be charged.

This is not a reflection on the MIAA but no other community in the state makes this kind of contribution to the MIAA. Foxboro has contributed between \$200,000 and \$250,000 over the past five years. There is no legal precedence either for or against this request.

Mr. Scollins stated that the MIAA Board of Directors are not a wholly publicly controlled entity and he feels that this is an illegal request. He also feels that the parents of the players would not mind paying an extra \$2.55 to see their children play in the superbowl.

Ms. Walsh stated that this has been done for the past five years and the day does bring business into town.

A motion to waive the town user fee for the 2012 MIAA football superbows at Gillette Stadium was made by Mr. Sullivan and seconded by Ms. Walsh. **The motion carried 3-2-0 with Ms. Coppola and Ms. Brue opposed.**

#### **Action Item**

A request has been received from Atty. Frank Spillane to continue the Public Hearing that is scheduled for November 20, 2012 for the Liquor License violation at Waxy O'Connor's due to a scheduling conflict with the establishments manager.

Mr. Paicos stated that this has the potential to be a lengthy hearing and suggests that it be scheduled for after the Holidays. Atty. Cassis concurs, he stated that there is no deadline to holding the hearing.

A motion to continue the November 20, 2012 Liquor Violation Public Hearing for Waxy O'Connor's, 121 Main Street, to January 8, 2013 at 7:30 p.m. was made by Ms. Brue and seconded by Mr. Sullivan. **The motion carried 5-0-0.**

#### **Special Town Meeting Warrant Review**

The Board reviewed the Town Warrant.

Article 2 is for the Police Contract which hasn't been signed yet and Article 6 for the Turf Field will be discussed at the next meeting.

A motion to recommend Articles 1,3,4,5,7,8,9,10,11,12 and 13 was made by Mr. Sullivan and seconded by Ms. Brue. **The motion carried 5-0-0.**

#### **Action Items**

The Board reviewed the minutes of October 16, 2012.

A motion to accept the minutes of October 16, 2012 was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

A request has been received from the Foxboro Jaycees to decorate the Common for the winter holiday season on December 1, 2012.

A motion to approve the request by the Foxboro Jaycees to decorate the Common from December 1, 2012 to early January 2013 was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

Applications for new Hackie Licenses have been received from Barry Kriegsman and Jason Lees. These have been approved by the Deputy Chief.

A motion to approve the new Hackie License for Barry Kriegsman was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

A motion to approve the new Hackie License for Jason Lees was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

A request has been received from Toby Keith's Bar and Grill to serve alcohol at 11:00 on early start Patriot games and to be able to stay open until 2:00 a.m. on New Year's Eve but not serve alcohol at a later time.

A motion to allow Toby Keith's Bar and Grill to serve alcohol at 11:00 a.m. during 1:00 p.m. start Patriot home games was made by Mr. Sullivan and seconded by Ms. Brue. **The motion carried 5-0-0.**

A motion to allow Toby Keith's Bar and Grill to remain open on December 31, 2012 until 2:00 a.m. but not to extend their liquor operation hours, all liquor must be off the tables at 12:55 a.m. was made by Mr. Sullivan and seconded by Ms. Brue. **The motion carried 5-0-0.**

A request has been received for a one day auctioneer's license for the Jeff Parker Charitable Fund, Inc. event at Gillette Stadium on November 16, 2012.

A motion to approve the request for a one day auctioneer's license on November 16, 2012 for the Jeff Parker Charitable Fund, Inc. was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

A request has been received from the Wampanoag Road Runners to hold their annual 10 mile and 3.1 mile road races on February 17, 2013. There is no alternate date given.

A motion to approve the request for the Wampanoag Road Runners to hold their annual road races of 10 miles and 3.1 miles on February 17, 2013 with conditions that the route be published and there be no road closings was made by Mr. Sullivan and seconded by Ms. Brue. **The motion carried 5-0-0.**

A request has been received from the Foxboro Jaycees to decorate the Common with holiday banners in December. DPW Director Roger Hill will have the DPW hang the banners and take them down at the end of the season.

A motion to allow the Foxboro Jaycees to decorate the Common with holiday banners was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

A motion to adjourn the meeting to enter into Executive Session and not return to regular session at 10:10 p.m. was made by Mr. Sullivan and seconded by Ms. Walsh. **The motion carried 5-0-0.**

Respectfully Submitted,

Diana Gray

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Lorraine Brue